

# Human Rights Under Attack: What Comes Next?

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*Not Enough: Human Rights in an Unequal World*, Samuel Moyn (Cambridge, Mass.: Harvard University Press, 2018), 296 pp., \$29.95 cloth, \$29.95 eBook.

With neither whimper nor hoopla, the Universal Declaration of Human Rights (UDHR) will celebrate its seventieth anniversary in 2018. Inaugurated on December 10, 1948, at the third session of the UN General Assembly, it was to become, in the words of Eleanor Roosevelt, a “magna carta” for a new world that had just defeated fascism. Meeting in the Great Hall of the Palais de Chaillot in Paris, there was an atmosphere of genuine solidarity among men and women from across the political spectrum in defiance of the first skirmishes of the Cold War, evoking a sense of possibility. Today, the UDHR anniversary will be celebrated in a very different climate, as populism and fascism are again on the rise. Whereas in 1948 the world was turning its face toward the future with a resilient sense of hope, in 2018 we are watching human rights rapidly slipping down a steep slope, with many questioning whether the very concept of human rights, let alone the UDHR and the mechanisms of the United Nations, has relevance for today.

While one expects foes of human rights to be critical of the Declaration, it is far more disconcerting when friends—seemingly unaware of the current political context—join the chorus of such critics. In many liberal and progressive circles today, human rights are criticized for being either too ambitious or too modest, too Euro- or too developing world-centric, too imposing or too ineffectual. “Human rights law has failed to accomplish its utopian aspirations, and it ought to be abandoned,” argued Eric Posner in a 2014 article in *Harper’s Magazine*.<sup>1</sup> In a similar spirit, Stephen Hopgood began his 2013 book, *The*

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*Endtimes of Human Rights*, by stating: “We are living through the endtimes of the civilizing mission. The ineffectual International Criminal Court . . . along with the failure in Syria of the ‘Responsibility to Protect,’ are the latest pieces of evidence . . . of fatal structural defects in international humanism.”<sup>2</sup> Criticisms can be useful, but without proposed alternatives, they lend themselves to cynicism and pessimism. It seems that over the last decade human rights has had more than its share of prognosticators; what it lacks are informed strategists.

Samuel Moyn’s recent *Not Enough: Human Rights in an Unequal World* is also an indictment, though a nuanced one, of the late twentieth-century human rights movement for failing to prevent, and thereby contributing to, the economic inequality produced by neoliberalism. Moyn roots his argument in the long-standing tension between two concepts of social justice—sufficiency and egalitarianism—maintaining that the human rights movement erred by embracing a minimalist ideal of economic sufficiency, an approach that ultimately favored the rise of neoliberalism. He offers a timely contribution to the often-neglected socioeconomic dimension of human rights in times of growing economic inequality, while striving to situate his argument between those “who believe that human rights are unrelated to economy” and “those who think that the human rights revolution has been a mere sham masking inhumane domination” (p. xi).

Though compelling on its own terms, the narrow focus of Moyn’s critique neglects important historical contributions of the human rights movement; he also fails both to detail his normative thesis and to suggest realistic possibilities for advancing the human rights movement. Beginning with ancient religious texts that address the needs of the poor and moving quickly to the Jacobin tradition, Moyn rightly argues that the concepts of sufficiency and egalitarian ethics have long coexisted in tension. Sufficiency is here understood as a social safety net, or floor, that provides what later came to be described as “basic needs.” Equality, as Moyn explains it, requires not just a floor but a ceiling—a limit to wealth inequity that would require redistribution from the rich to the poor. In this respect, Moyn notes that during the French Revolution, the *Declaration of the Rights of Man and of the Citizen of 1789* highlighted a vision of basic sufficiency, while Maximilien Robespierre argued for greater economic equality. Likewise, while Thomas Paine argued for sufficiency, Gracchus Babeuf campaigned for an egalitarian approach. Even Marx, Moyn claims, was interested in needs-based subsistence amid campaigns for reform, but “there is no evidence . . . that he envisioned material fairness in a communist state” (p. 28).

Moyn downplays the intense debate within the socialist camp over equality and the overall contribution of nineteenth-century socialism in developing the discourse of rights, omitting how the socialist struggle for universal suffrage improved political representation and reduced economic disparities. He finds a more egalitarian vision in John Rawls's *Theory of Justice*, which promoted redistribution under the auspices of "justice as fairness." However, he does not tell the reader why egalitarianism is preferable to sufficiency. Why should rich people relinquish their wealth if others have enough? How much must they give up? To whom? Is wealth a zero-sum game? Assuming basic sufficiency, what are the human rights implications of growing economic inequality? Without sacrificing political liberty and other rights, to what extent could an egalitarian model be enforced? By not engaging these questions, Moyn in effect declares his audience guilty without giving them a chance to be convinced.

The tension between sufficiency and equality, Moyn argues, persisted through the mid-twentieth century and the construction of the welfare state, when it was widely recognized that "modern citizenship must incorporate socioeconomic entitlements to a sufficient minimum of the good things in life or even plan for a more generous modicum of egalitarian distribution" (p. 72). Here Moyn skips over the beginning of that story, as the divide between sufficiency and egalitarianism had already begun well before the end of World War II with the failure of the Second International in 1916 and the Bolshevik Revolution in 1917, as democratic socialists insisted on basic necessities and communists insisted on egalitarianism.

Moyn shows that in the mid-twentieth century a number of academics, ethicists, and government leaders upheld a vision of equality that called for "a ceiling as well as a floor," but one would be hard pressed to find a time when that vision was truly dominant. Instead, to Moyn's disappointment, post-war American liberals came to accept the rival approach of sufficiency. Communist governments instituted egalitarian economic policies, and many postcolonial states joined them, at least rhetorically, but this hope for global justice faded with the failure of the New International Economic Order (NIEO) in the late 1970s. As a movement of nonaligned states emphasizing equality rather than sufficiency, the NIEO was outflanked, Moyn argues, by the rise of human rights and the prioritization of basic needs. At this point, he says, "the distributive ideal of sufficiency alone survived, and the ideal of equality died" (p. 121).

In his effort to corroborate his thesis, Moyn minimizes the contribution both of Franklin D. Roosevelt's Second Bill of Rights and of post-war reconstruction that

fueled economic recovery in the West. Likewise, he overlooks the importance of the UDHR, with its inclusion of socioeconomic rights, as a stepping stone for future human rights discourse. Human rights (including the legal human rights regime) did not have any effect before the 1970s, Moyn suggests, and when it did it was purely on the side of sufficiency. And yet human rights progressives continued to embrace FDR's calls for equality of opportunity, the "ending of special privileges for the few," and a "rising standard of living" for all. Those aspirations, one can argue, ultimately succumbed to the political power of Reaganism and Thatcherism, which held that strong unions, high taxes on the rich, and redistributions of wealth were causing capital flight that impoverished Western societies. What choice remained, beyond flailing helplessly against "globalization," but for human rights activists to mount a rearguard action in defense of sufficiency?

Further, while it is true that the UDHR did not spell out material equality and that the impact of the new burgeoning human rights regime was eclipsed by the Cold War, the development of human rights was not put on hold until the mid-1970s, as Moyn suggests. The world was slowly recovering from a devastating war, and early efforts to institutionalize human rights would be reclaimed by the youth movement of the late 1960s and early 1970s. From Prague to Paris, from Berkeley to Mexico City, a baby boom generation was calling for democratic socialism with a human face, somewhere between capitalism and communism, and somewhere between sufficiency and egalitarianism, reclaiming the language of civil and human rights. The newly energized human rights movement of the 1970s did not arise "almost ex nihilo" (p. 121), as Moyn would have it, but resulted first and foremost from a vibrant civil society that strove to strike a balance between superpower rivalries and their contending and sometimes self-serving human rights positions.

Having arrived at this point in the historical narrative, Moyn's provocative thesis contends that the rise of human rights alongside neoliberalism was neither the result of a conspiracy nor purely a coincidence. Rather than outright subterfuge by those profiting from international inequality, Moyn blames the human rights movement for its (direct or indirect) complicity with neoliberalism. Since both began to thrive at about the same time, Moyn suggests it is reasonable to ask whether the human rights movement abetted neoliberalism. Was human rights used as "cover" to obscure dramatic shifts toward privatization in the global political economy? Did human rights actually promote inequality in order to attain sufficiency? Moyn concludes that "the real trouble about human rights, when historically correlated with market fundamentalism, is not that they promote it but

that they are unambitious in theory and ineffectual in practice in the face of market fundamentalism's success. Neoliberalism has changed the world, while the human rights movement has posed no threat to it" (p. 216). Had the human rights movement been committed instead to material equality, Moyn argues, it might have been more relevant.

As the Cold War ended and neoliberalism took off, however, there were other important factors at play. While Moyn recognizes that as "socialism slowly departed the world, human rights came to appeal as the central language of justice" (p. 180), he understates the ideological vacuum left by the fall of communism in 1989; Francis Fukuyama's "end of history" was also seen as an end of ideology. One result, I would argue, was that many "isms" (not only of the neoliberal variant) took refuge under the broader canopy of human rights to rationalize their moral actions. The pillars of the UDHR (civil, political, socioeconomic, cultural, and security rights), intended to be indivisible, were quickly appropriated by self-interested parties and movements. Libertarians claimed civil and political rights; progressives (North and South) returned to the language of economic rights against corporate greed; realists embraced national security as a right; and liberals focused on cultural rights and the politics of identity. With such splintered views of rights, the minimalist *qua* libertarian version of rights won the day in a neoliberal world. The problem was not human rights as such, but rather the ideological void in which human rights had been deconstructed. Focusing on a single aspect of human rights at the expense of others only perpetuates the problem Moyn identifies with regard to the movement's fragility.

In this regard, Moyn may have lost sight of the enduring value and inseparability of FDR's Four Freedoms, encapsulated in the preamble of the UDHR. Today's populists use freedom of speech to propagate lies and harass political opponents, freedom of religion to marginalize religious minorities, freedom from want as applicable only to chosen citizens, and freedom from fear against the alleged barbarians within or at the gates. It is difficult to imagine how to counter populism and illiberal movements without restoring the universality of all these human rights pillars. In any society it is, after all, only in an environment free of violent conflict, censorship, and political and religious repression that economic equity can sustainably thrive.

Finally, throughout this book Moyn's theory of history remains somewhat unclear. His work reads as a post-structural narrative attempting to debunk the myth of human rights for the sake of the critique. If the times we live in are

grim, he seems to suggest, then the history of the human rights movement that led to it must be equally grim. As such, his theory of history amounts to moving backward in a regressive line, as if driven by a *deus ex machina*, where events and discourses are lined up toward an inevitable shipwreck. While some historians choose a linear progressive reading of history, conveniently omitting terrible setbacks, Moyn seems to have gone the other way, underestimating the major contributions of the human rights movement (civil rights, women's rights, and the right to self-determination, among others) as it approaches its day of reckoning.

Even readers who share Moyn's political affinity will lament the lack of critical effort to learn lessons from both historical successes and failures, and to find some way forward for human rights even in tough times. Moyn concludes by stating that "there is no reason to think . . . that a bold program of international fairness is a pipe dream" (p. 220). This conclusion reads as a leap of faith, as Moyn offers no proposed strategies, no possibilities, not even soft paths drawn in the sand.

As Moyn rightly understands, relevant social history is always shaped by human concerns in the present and aspirations for the future. In this age of a rising counter-enlightenment, there has been no better time to unearth the legacy of the UDHR, with its indivisible aspirations, as a tested compass for a more promising path forward as we celebrate its seventieth anniversary. Short of a full-fledged normative case or an outlined strategy to counter the ill effects of obscene economic inequalities, nothing less would seem enough.

#### NOTES

<sup>1</sup> Eric Posner, "Against Human Rights," *Harper's Magazine*, October 31, 2014, pp. 13–16.

<sup>2</sup> Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, N.Y.: Cornell University Press, 2013), p. 1; see also Micheline Ishay, "Human Rights and International Criminal Justice: Looking Back to Reclaim the Future," in M. Cherif Bassiouni, ed., *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge, U.K.: Intersentia, 2015), pp. 99–114.

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Abstract: Samuel Moyn argues that the human rights movement, which thrived in the 1970s and peaked after the Cold War, became dominated by a misplaced focus on sufficiency rather than equality, ultimately abetting neoliberalism. He deplores the rise and fall of an egalitarian and redistributive worldview, from the Jacobin era to the slow decline of socialism in the twentieth century, culminating in ineffectual and unambitious human rights endeavors. Here Moyn cavalierly dismisses the enormous achievements of the human rights movement in many countries, overlooking the contributions of unsung heroes who fought for human rights at the peril of their lives. Even readers who share Moyn's political perspective will find little solace, either in the form of lessons learned or in forward-looking strategies for addressing socioeconomic inequity and other human rights violations of our time.

Keywords: human rights, neoliberalism, inequality, sufficiency, egalitarianism, Samuel Moyn